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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,372	05/04/2001	Hideo Takiguchi	03500.015356.	6793
5514 7590 05/03/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER KE, PENG	
			ART UNIT 2174	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/848,372	<b>Applicant(s)</b> TAKIGUCHI, HIDEO	
	<b>Examiner</b> Peng Ke	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02/30/2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 34-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 2/30/07.

This action is made final.

Claims 34-63 are pending in this application. Claims 34, 46-48, 49, and 54-60 are independent claims. In the Amendment, filed on 7/31/06, claims 34, 35, 39, 46-48, 49, and 54-60 were amended.

### ***Claim Rejections – 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49-50, 53-60, and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson U.S. Patent No. 6,215,523 (Hereafter this patent will be referred to as Anderson II) in view of Fellegara et al. US Patent 6,441,854

As per claim 49, Anderson II teaches an image processing apparatus comprising:

A capturing unit adapted to capture a reduction image stored in a storage medium; (figure 8, item 110)

A display control unit adapted to cause a display device change, sequentially, display of images each larger than, and each corresponding to, a respective reduction image captured by said capturing units; (column 6, lines 63-column 7, lines 24, column 12, lines 35-65).

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A registering unit adapted to register, from among a series of image displayed by said display control unit, image indicated by a user as a target of single process. (col. 10, lines 50-col. 11, lines 10);

However, Anderson II fails to teach an indicating unit adapted to indicate at least one image among the images automatically changed and sequentially display by said display control unit.

Fellegara teaches automatically changed (column 15, lines 1-8) and sequentially display by said display control unit. (column 14, lines 20-55)

It would have been obvious to an artisan at the time of the invention to include Fellegara's teaching with method of Anderson II in order to provide user with the ability to automatically scroll the image after predetermined time periods.

As per claim 50, Anderson II and Fellegara teach the apparatus according to claim 49. Anderson II further teaches wherein the specific image process includes a print process (col. 7, lines 1-32).

As per claim 53, Anderson II and Fellegara teach an image processing apparatus according to claim 49. Anderson II further teaches wherein an application program corresponding to the specific image process automatically starts after the end of the display by said second display control unit (column 12, lines 56 – column 13, lines 15).

As per claim 54, Anderson II teaches an image processing apparatus comprising:

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A capturing unit adapted to capture images stored in a storage medium; (column 2, lines 35-46)

A display control unit adapted to control so that the images captured by said capturing unit are displayed on a display device as a slideshow; (column 12, lines 56-column 13, lines 15) and

A registering unit adapted to register the image indicated by said indicating unit, as a target of a specific process. (figure 8, items 700, and 704)

However, Anderson II fails to teach an indicating unit adapted to indicate at least one image among the images display as the slide show by said display control unit.

Fellegara teaches an indicating unit adapted to indicate at least one image among the images display as the slide show by said display control unit. (column 14, lines 20-55)

It would have been obvious to an artisan at the time of the invention to include Fellegara's teaching with method of Anderson II in order to provide user with the ability to automatically scroll the image after predetermined time periods.

As per claims 55-57, they are rejected with the same rationale as claim 49. Supra.

As per claims 58-60, they are rejected with the same rationale as claim 54. Supra.

As per claim 62, which is dependent on claim 49, Anderson II teaches the claim 49. Anderson II further teaches wherein information indicating the process target is displayed together with the selected image. (figure 8, items 700, and 704)

As per claim 63, which is dependent on claim 54, it is of the same scope as claim 62. Supra.

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson II U.S. Patent No. 6,215,523 in view of Fellegara US Patent 6,441,854 further in view of Chui et al., U.S. Patent no. 6,657,702.

As per claim 51, Anderson II and Fellegara teach the apparatus of claim 49. However, Anderson II does not teach the apparatus that is able to perform an electronic mail transmission process.

Chui teaches an apparatus that is able to perform an electronic mail transmission process. (see Chui, column 17, lines 25 – 32).

It would have been obvious to an artisan at the time of the invention to include Chui's teaching with the modified Anderson II to allow user to transmit images through the Internet.

Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson II U.S. Patent No. 6,215,523 in view of Fellegara US Patent 6,441,854 further in view Anderson et al., U.S. Patent No. 6,680,749.

As per claim 52, Anderson II and Fellegara teach an image processing apparatus according to claim 49. Anderson II fails to teach wherein said execution indication unit can select whether or not to execute plural kinds of image processes.

Anderson teaches an execution indication unit can select whether or not to execute plural kinds of image processes. (column 13, lines 25-68)

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It would have been obvious to an artisan at the time of the invention to include Anderson's teaching with method of Anderson II in order to allow a user to integrate a user interface across multiple operating modes of a digital imaging device.

Claims 34, 36-40, 44-48, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., U.S. Patent No. 6,680,749 in view of Dow et al. U.S. Patent No. 6,549,304 further in view of Anderson II U.S. Patent No. 6,215,523, further in view of Fellegara et al. US Patent 6,441,854

As per claim 34, Anderson teaches an image processing apparatus comprising:

a capturing unit adapted to capture a reduction image from a storage medium storing storage images, the reduction images respectively corresponding to the storage images (col. 5, lines 55-57 and col. 6, lines 67- col. 7, line 4);

a first display control unit adapted to cause a display device to display the reduction images captured by said capturing unit (fig. 13, item 852 and col. 12, lines 52-55);

a reduction image selection unit adapted to select reduction images from among the reduction images displayed by said first display control unit (col. 13, lines 1-5);

a designating unit adapted to designate at least one image among the images displayed by said second display control unit in the size larger than that of the reduction image, as an image to be subject to a specific image process; (column 13, lines 20-35);

However, Anderson fails to teach a specifying unit adapted to specify, the storage images corresponding to the images designated by said designating unit as the images to be subject to

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the specific image process, as an image group to be subject to the specific image process, when the display by said second display control unit.

Dow et al. teaches a specifying unit adapted to specify, the storage images corresponding to the images designated by said designating unit as the images to be subject to the specific image process, as an image group to be subject to the specific image process, when the display by said second display control unit is completed. (column 6, lines 13-63)

It would have been obvious to an artisan at the time of the invention to include Dow's teaching with Anderson's apparatus to allow user to arrange and index images as a group.

However, they both fail to teach a second display control unit adapted to effect, in a size larger than that of the reduction image, display of images corresponding to the stored images which correspond respectively to the reduction images selected by said reduction image selection unit;

Anderson II teaches a second display control unit adapted to effect, in a size larger than that of the reduction image, display of images corresponding to the stored images which correspond respectively to the reduction images selected by said reduction image selection unit; (column 6, lines 63-column 7, lines 24, column 12, lines 35-65).

It would have been obvious to an artisan at the time of the invention to include Anderson II's teaching with apparatus of Anderson and Dow to view the full image in a slide show.

However, they fail to teach automatic sequential display of larger size images.

Fellegara teaches automatic sequential display of larger size images. (column 14, lines 20-55)

It would have been obvious to an artisan at the time of the invention to include Fellegara's teaching with method of Anderson, Dow, and Anderson II in order to provide user with the ability to automatic scroll the image after predetermined time periods.

As per claim 35, Anderson, Dow, Anderson II, and Fellegara teach an image processing apparatus according to claim 34. Anderson II further teaches second display control unit performs a slide show display, and wherein the storage image corresponding to each of the reduction images selected by said reduction image selection unit is displayed as the larger image (col. 7, lines 1-24).

As per claim 36, Anderson, Dow, Anderson II, and Fellegara teach an image processing apparatus according to claim 34. Anderson further teaches wherein said second display control unit causes the display device to display any one of the images to be displayed. (col. 12, lines 65-66)

As per claim 37, Anderson, Dow, Anderson II, and Fellegara teach an image processing apparatus according to claim 36. Anderson further teaches wherein said second display control unit causes the display device to further display an indication section for changing the image to be displayed on the display device. (fig 13)

As per claim 38, Anderson, Dow, Anderson II, and Fellegara teach an image processing apparatus according to claim 34. Anderson further teaches wherein an application program corresponding to the specific image process automatically starts after the end of the display by said second display control unit (column 9, lines 46 – 63).

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As per claim 39, Anderson, Dow, Anderson II, and Fellegara teach an image processing apparatus according to claim 34. Anderson further teaches wherein said designation unit can select whether or not to execute plural kinds of image processes (col. 9, lines 15-45).

As per claim 40, Anderson, Dow, Anderson II, and Fellegara teach an image processing apparatus according to claim 34. Anderson further teaches wherein the specific image process includes a print process (col. 13, lines 20-21).

As per claim 44, Anderson, Dow, Anderson II, and Fellegara teach an image processing apparatus according to claim 34. Anderson further teaches wherein the specific image process includes a transfer process of transferring the storage image to a desired storage area (col. 13, lines 20 – 21).

As per claim 45, Anderson, Dow, Anderson II, and Fellegara teach an image processing apparatus according to claim 34. Anderson further teaches wherein the storage medium is included in a digital camera (col. 4, lines 43 – 45 and col. 6, lines 2 – 5).

As per claim 46, it is rejected with the same rationale as claim 34. (see rejection above)

As per claim 47, it is rejected with the same rationale as claim 34. (see rejection above)

As per claim 48, it is rejected with the same rationale as claim 34. (see rejection above)

As per claim 61, Anderson Dow, and Anderson II teach an image processing apparatus according to claim 34. Anderson II further teaches providing information indicating the process target is displayed together with the selected image. (figure 8, items 700, and 704)

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Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., U.S. Patent No. 6,680,749 in view of Dow et al. U.S. Patent No. 6,549,304 further in view of Anderson II U.S. Patent No. 6,215,523. further in view of Fellegara et al. US Patent 6,441,854 further in view of Takakura et al., U.S. Patent no. 5,752,053.

As per claim 41, Anderson, Dow, Anderson II, and Fellegara teach an image processing apparatus according to claim 40. However they fail to teach the apparatus comprising an editing operation accepting unit adapted to accept a user's operation to edit arrangements of the images to be printed and print sizes thereof in the print process.

Takakura et al. teaches the apparatus comprising an editing operation accepting unit adapted to accept a user's operation to edit arrangements of the images to be printed and print sizes thereof in the print process(see Takakura, column 2, lines 44 – 49). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Takakura with the method of Anderson, Dow, Anderson II, and Fellegara in order to allow a user to input an edit to arbitrary positions while observing a state of print binding.

Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., U.S. Patent No. 6,680,749 in view of Dow et al. U.S. Patent No. 6,549,304 further in view of Anderson II, U.S. Patent No. 6,215,523 in view of Fellegara et al. US Patent 6,441,854 further in view of Chui et al., U.S. Patent no. 6,657,702.

As per claim 42, Anderson, Dow, Anderson II, and Fellegara teach an image processing apparatus according to claim 34. However they fail to teach wherein the specific image process includes an electronic mail transmission process. Chui et al. ("Chui") teaches wherein an image processing is a mail transmission processing (see Chui, column 17, lines 25 – 32). ). It would

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have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Chui with the method of Anderson, Dow, Anderson II, and Fellegara in order to allow the users to distribute images to recipients not located near the user.

As per claim 43, Anderson, Dow, Anderson II, Fellegara and Chui teach an image processing apparatus according to claim 42, Chui further teaches the apparatus comprises an electronic mail formation control unit adapted to control to perform a new electronic mail formation process of attaching the image indicated to be transmitted as electronic mail, in the electronic mail transmission process. (see Chui, column 17, lines 25 – 32).

### *Response to Argument*

Applicant's arguments filed on 2/31/07 have been fully considered but they are not persuasive.

Applicant argued that Anderson '749 fail to process <sup>n</sup><sub>an</sub> image in a specific way. KK

Examiner disagrees Anderson teaches this limitation because it, among other processes, adds a border to the selected (see Anderson figure 15)

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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